

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DEMETRIUS M. BOYD,

Plaintiff,

v.

Case No. 13-CV-94

**LT. SCHNEIDER, CO DEREK SCHOUTEN,
CO ROZONI, and CO KAPHINGST,**

Defendants.

ORDER

This matter is before the court on defendants' motion to strike, renewal of its motion to strike and motion for extension of the dispositive motion deadline, and plaintiff's motion for default judgment.

Plaintiff Demetrius Boyd filed a motion for summary judgment and brief in support (Docket #25) on August 12, 2013, along with proposed findings of fact (Docket #26) and Affidavits in support (Docket #27 and 28). Defendants did not respond to the motion but filed a motion to strike for failure to comply with Civil L. R. 7 and 56. Defendants contend that plaintiff's summary judgment motion should be stricken because the brief does not cite legal authorities, the affidavits are joint affidavits that are not sworn by the joint affiants, and the proposed findings do not cite to record evidence or are not supported by the affidavits. Plaintiff then filed a motion for summary judgment (Docket #32) that cites to legal authorities. Upon review of plaintiff's submissions the Court finds that the plaintiff's submissions, taken together with the verified complaint, substantially comply with

the local rules and warrant a response, and the joint affiant statements and signatures in plaintiff's joint affidavits substantially comply with the declaration requirements of 28 U.S.C. § 1746.

Defendants' seek an extension of time to file their dispositive motion based on counsels' trial schedules and other staffing issues. As no trial date has been set, the Court will allow a 30 day extension of the October 25, 2013 dispositive motion deadline.

Plaintiff's motion for entry of default and default judgment will be denied as the defendants timely filed an Answer to plaintiff's complaint on June 14, 2013, within sixty days of electronic service on April 17, 2013, in accordance with the informal service agreement between the District Court and the Wisconsin Department of Justice. *See* Screening Order (Docket #12).

NOW, THEREFORE, IT IS ORDERED that the defendants' motion for an extension of time to file dispositive motions (Docket #35) be and hereby is **GRANTED**. Dispositive motions shall be filed within 30 days of the date of this order.

IT IS FURTHER ORDERED that defendants' motions to strike plaintiff's motion for summary judgment (Docket # 30 and 35) hereby are **DENIED**. Defendants shall file any response within 30 days of the date of this order.

IT IS FURTHER ORDERED that plaintiff's motion for default judgment (Docket #31) be and hereby is **DENIED**.

Dated at Milwaukee, Wisconsin this 25th day of October, 2013.

BY THE COURT:

s/ Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge